

04-17-06

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0091
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DAE
JFW**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
HENTE-080A

First named inventor: Scott W. Randolph

Application No.: 10/620,638

Art Unit: 2856

Filed: 07/16/2003

Examiner: Tamiko Bellamy

Title: Dual Slide Gate Valve & Method of Using Same

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to notice of file missing parts (identify type of reply):

has been filed previously on _____
 is enclosed herewith.

|| 04/18/2006 AWONDAF1 00000039 194330 10620638

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453 750.00 0P
 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

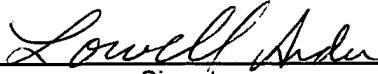
3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

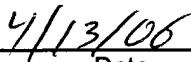
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature



Date

Lowell Anderson

Typed or printed name

30,990

Registration Number, if applicable

75 Enterprise, Suite 250

Address

949 855-1246

Telephone Number

Aliso Viejo, CA 92656

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

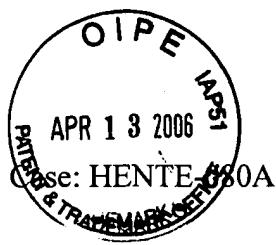
Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott W. Randolph <i>et al</i>)	Examiner:	Tamiko Bellamy
Serial No.:	10/620,638)	Art Unit:	2856
Filed:	07/16/2003)		
Title:	Dual slide gate valve & method for using same)		

STATEMENT EXPLAINING PETITION TO REVIVE

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Revival of this application is sought to submit an Inventors Declaration in response to a Notice of Missing Parts and thus ensure the chain of the priority.

This application (serial no. 10/620,638) was expressly abandoned to avoid publication, after continuation application serial no. 10/706,578 (now. Pat. No. 6,977,041) was filed and which claimed the benefit of the filing date of application serial no. 10/620,638.

When application serial no. 10/620,638 was abandoned there was a Notice of Missing Parts which was not responded to, as the inventors' declaration was not filed. Revival is sought solely to file the inventors' declaration. The fee for responding to the Notice of Missing Parts, and the inventors' declaration, are submitted. But there is a complication with the declaration.

An inventor's declaration was filed in the continuation application serial no. 10/706,578, but it was not submitted in response to the Notice of Missing Parts and bears the application serial number of the continuation application, no. 10/706,578. *See* Attachment to L. Brown Declaration.

In seeking the inventors further signatures for the application being revived (serial no. 10/620,638,) two inventors refused to sign, even though they signed the declaration for the continuation application and even though they had assigned their rights as reflected by the attachments to the Brown Declaration submitted herewith.

To address the refusal of these two inventors to sign, a petition under Rule 47(a) is submitted along with the declaration of Larry Brown.

The last known addresses of these two non-signing inventors are as follows: Mr. Greg Metzger's last known address is 350 Linwood, Escondido, California, 92027. Mr. Fred Enstrom's last known address is 25746 Forrest Drive, Escondido, California, 92026.

Applicants request that the petition to Revive be granted for filing the declaration responsive to the Notice of Missing Parts, and that the Rule 47(a) petition be accepted in order to provide the required inventors declaration, and that the inventors' declaration be deemed fully responsive to the Notice of missing Parts.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted.

STETINA BRUNDA GARRED & BRUCKER

Date: 4/13/06
Customer No.: 007663

By: Lowell Anderson
Lowell Anderson
Registration No. 30,990
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APR 13 2006

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FREE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

810.00

Complete if Known

Application Number	10/620,638
Filing Date	07/16/2003
First Named Inventor	Scott W. Randolph
Examiner Name	Tamiko Bellamy
Art Unit	2856
Attorney Docket No.	HENTE-080A

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number **19-4330**
 Deposit Account Name **Stetina Brunda Garred & Brucker**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee			
1002 350	2002 175	Design filing fee			
1003 550	2003 275	Plant filing fee			
1004 790	2004 395	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)		0.00			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 7650	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	750.00
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

810.00

(Complete if applicable)

Name (Print/Type)	Lowell Anderson	Registration No. (Attorney/Agent)	30,990	Telephone	(949) 855-1246
Signature	<i>Lowell Anderson</i>			Date	4/13/06

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